Labour law for women working in night shifts

1785. DR. VIJAY MALLYA: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) what are the labour laws in respect of women working in night shifts;

(b) what are the jobs that are restricted to women during night shifts;

(c) whether the women working in night shifts get additional compensation/ consideration as per law; and

(d) whether Government propose to amend the law considering the increase in number of women working for Information Technology sector?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI OSCAR FERNANDES): (a) and (b) Sections 51 to 66 under the Factories Act, 1948 contain provisions relating to the working hours of adults (including women). As per Clause (b) of Sub-Section (1) of Section 66, no woman is required or allowed to work in any factory except between the hours of 6 A.M. and 7 P.M.

The State Governments are empowered to vary these time limits by notification in the official Gazette in respect of any factory or group or class or description of factories. However, no variation would permit the employment of any woman between the hours of 10 P.M. and 5 A.M. The State Governments are also empowered to make rules providing exemptions from these restrictions in respect of women working in fish curing or fish canning factories, subject to certain conditions.

(c) The Factories Act and the Rules framed thereunder do not contain provisions relating to additional compensation to be given to women working during night. However, while allowing employment of women workers in night in fish curing or fish canning factories State Government is empowered to put certain conditions, relating to additional welfare and security measures, such as:

(i) free transport during night hours

(ii) creche and food/snacks/tea facilities

(iii) rest room and separate lockers

(iv) placing of women workers in groups during night

(v) night duty not continuously for more than one week.

(d) The Government of India has introduced an amendment to Section 66 of the Factories Act, 1948 *vide* Bill No. 104 of 2005 in the Lok Sabha for allowing women to work in factories in night shifts, irrespective of type of industry. Information Technology units registered under the Factories Act, 1948 would also be covered by the proposed amendment.